

SPERRY BOUND TO HIGH COURT

Judge Templeton Fixes Charge of Manslaughter in the First Degree.

TESTIMONY WAS SENSATIONAL

Defendant Said Story He Told About Summerfield Was "a Lot of Lies."

The setting for the rather dramatic scene of the trial was a unique one, court being held in the opera house. Citizens of Aneta and farmers and families from a wide radius gathered in numbers sufficient to fill the large hall. Fully 400 people, men, women, boys and girls hung on every word of testimony introduced and long before 1 o'clock, when court re-assembled after a short recess, the hall was well filled. Sentiment in Aneta is divided, but all agree that the case and circumstances surrounding it presents a strange anomaly, Simon McKenzie, father of the dead boy has a host of sympathizers in his effort, which has now proved an obsession—of proving his boy's statement was not a fabrication.

The state was represented by Assistant Attorney General Zuger and State's Attorney B. G. Skulason, the latter conducting the examination of the witness. The defendant was represented by Attorney Geo. Kelly of Lakota.

The evidence brought out the promised sensational features of the case and at times during the testimony of the state's attorney and the defendant, the very air seemed surcharged with the intense feeling of the interested people. The story of Sperry's confession was told by State's Attorney Skulason and by Sheriff Johnson who was present in McKenzie's meat market on the evening of Jan. 19, when the confession was made.

The defendant on the stand admitted telling the story, implicating Louis Summerfield, but characterized it as a "lot of lies." He also testified to the effect that the confession was wormed out of him by leading questions and that he was induced by fear of punishment and promise of immunity to tell the story. These accusations were denied by both the state's attorney and the sheriff.

The boy's answers came slowly in his manner indicating either slow moving mind or stubbornness. In only one case did he show any unwillingness to answer, even though the judge himself interjected a question. In answer to a question Sperry said that he thought the first man to whom he related the fact that he and Summerfield were in the park that evening was Senator Gunderson. He said that Mr. Gunderson called him into his bank. The defendant further testified that this conversation was with reference to the McKenzie boy, but further than this, repeated questions brought no further light on what was said in that conversation. The witness steadily declared that he couldn't remember.

The testimony of the morning session threw little new light on the case, two witnesses, Simon McKenzie, father of the dead boy and Dr. Bennett of Aneta, being

called. Mr. McKenzie testified along the same general lines as in the coroner's inquest. Judge Templeton, however, ruled out the statement made by the injured boy, according to rules of evidence. McKenzie was allowed to testify to the condition of the boy. He also told of his cries about the "men in the park," while the unfortunate lad was still in a semi-conscious condition. The lantern and boy's clothing, the latter mute evidence of the severe nature of the burns, were introduced as exhibits.

Dr. Bennett's testimony gave the cause of death. He also testified that the boy, Kenneth McKenzie, was a sturdy lad and that the only physical defect he knew of was near sightedness.

State's Attorney Skulason was the first witness called in the afternoon. Mr. Skulason testified that on the evening of Jan. 19, last, he met and had a conversation with Clyde Sperry, McKenzie and Sheriff Johnson, in the McKenzie market. On examination by the defendant's counsel he states emphatically that no threats were made, coercion used or promise of immunity was held out to Sperry, but that he confessed freely.

Sheriff Johnson's testimony was the same in all essential facts regarding the confession, as Mr. Skulason's.

The examination and cross-examination of the defendant occupied most of the afternoon, and was followed by the testimony of M. E. Sperry, corroborating the boy's statements, the testimony of Kate Sperry and Alma Kjorvestad, in which they told of the boys being at the opera house and the testimony of Nic Johnson to the effect that he saw two men answering the description given in Kenneth's statement. The testimony of Mrs. C. E. Bennett and Mrs. Clara Scott as to the statement of the injured boy as given at the coroner's inquest was also introduced.

Naturally the interest of the hearing centered on the examination and cross-examination of the defendant. He testified that he had known the dead boy well and that they had always been friends. When asked by his counsel to relate just what he did on the evening of Jan. 16, 1909, he related the same story told at the coroner's inquest of how he and Summerfield went to the opera house and finding only a small crowd went down into the park and returned to the opera house within 15 minutes. He testified to seeing a boy pass through the park, and was sure that he wore light colored knickerbockers. He absolutely denied having assaulted Kenneth McKenzie or participating in any assault.

He said that on the evening of Jan. 18, Sheriff Johnson found him at the Hub restaurant and said he wanted to talk with him. He took him down to the McKenzie meat market. When they entered Mr. McKenzie was there and told him he thought he knew more about the death of Kenneth than he had told. He, McKenzie, said that Louis Summerfield had gotten drunk in St. Paul and told all about the burning, throwing the blame on him. Sperry said that McKenzie showed him what he said was a clipping from the St. Paul Dispatch, but young Sperry testified that he thought it was a "fake."

The next night the sheriff came and got him again and took him to McKenzie's. McKenzie was there and the state's attorney. He testified that they asked him

what he did the evening of Jan. 16, and he told them. They interrupted him and called him a liar. Later in the evening Skulason said to him:

"Now, Clyde, you didn't mean to hurt Kenneth?"

Sperry said he replied, "Certainly not."

The witness said that then they all told him he had better tell it all since he had said that much. He declared that the confession was made in answers to questions propounded by State's Attorney Skulason and that it was all a "lot of lies." He said that they told him that this was his last chance and if he didn't turn state's evidence, Summerfield would get the chance. Frightened by this, he told the story. They also agreed that he was not to tell anyone. Afterwards he told his father the whole story and his father told him to tell the truth. The defendant was vigorously cross-examined by State's Attorney Skulason but did not weaken.

The case was submitted by the state without argument. Counsel for the defense arguing briefly.

Auction Sale.

The undersigned will sell at public auction on his place, Sec. 5-146-61, 9 miles southwest of Binford, 5½ miles south of Moore, 20 miles north of Wimpelton, on

FRIDAY, MARCH 3.

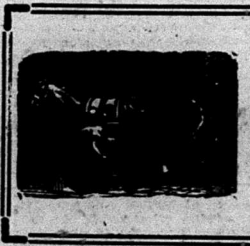
Sale to commence at 10 o'clock sharp.

LIVE STOCK

1 gray mare in foal, 6 yrs. old, wt. 500; 1 gray gelding 9 yrs. old, wt. 1500, 1 gray gelding, 9 yrs. old, wt. 1400, 1 roan mare in foal, 5 years old, wt. 140, 1 span brown mares in foal, 8 and 10 yrs. wt. 2600, 1 span black geldings, 9 and 12 yrs. wt. 2800, 1 span geldings, bay and sorrel, 9 and 14 yrs. wt. 2800, 1 span of bay mares, 9 and 10 yrs. wt. 2600, 1 span black geldings, 9 and 11 yrs. wt. 2400, 1 span geldings, bay and gray, 9 and 13 yrs. wt. 2500, 1 gray team, gelding and mare, mare in foal, 4 and 10 yrs. wt. 1900, 1 span bay drivers, 6 and 10 yrs. old, wt. 1900, 1 span bay drivers, 3 years. old, wt. 1900, 1 black mare, 4 yrs. old, wt. 1100, 1 sorrel mare in foal 4 yrs. old, wt. 1100, 1 span mares, 2 yrs. old, wt. 1600, 2 cows, 10 head of Poland China brood sows.

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